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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,011	01/28/2002	Michael Wayne Brown	AUS920010514US1	5546

7590

09/25/2003

Intellectual Property Law Dept.
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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary

Application No.

10/059,011

Applicant(s)

BROWN ET AL.

Examiner

Greg Cunningham

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 9, 19 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications of application filed 1/28/2002.
2. The disposition of the claims is as follows: claims 1-27 are pending in the application. Claims 1, 11 and 21 are independent claims.
3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 9/03). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

Information Disclosure Statement

4. The information disclosure statement filed 1/28/2002, items CC - CN fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no reference date associated with said items. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

5. The disclosure is objected to because of the following informalities: Cross-Reference to related Applications is missing application serial numbers, all eleven.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8, 11-18 and 21-25 are rejected under 35 U.S.C. 102(a) as being disclosed by DeLeeuw, (US Patent Number 6,353,450B1).

A. Claim 1, "A method for displaying resource aids in a display area, said method comprising the steps of: displaying a user interface comprising at least one displayable object within a display area; and responsive to an initiating event, placing a transparent resource aid within said display area in association with said at least one displayable object, such that said at least one displayable object is not obscured by said transparent resource aid" is disclosed in col. 4, lns. 23-65.

B. Claim 2, "The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: responding to said initiating event, wherein said initiating event is at least one of a cursor placement, an occurrence of a user-defined event, and a user input" is disclosed supra for claim 1. Wherein user interaction with display program or

Art Unit: 2676

transparent user interface elements corresponds to an occurrence of a user-defined event or a user input.

C. Claim 3, “The method for displaying resource aid in accordance with claim 1, said method further comprising the step of: responding to said initiating event, wherein said initiating event is a position of a cursor over a sensitive region of said displayable object” is disclosed supra for claim 1 and in col. 3, lns. 11-42. Wherein image of user’s hands and fingers are sensitive areas for interacting with application program within the computer system such as grasping or selecting icons or transparent controls.

D. Claim 4, “The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of: determining a graphical output format for said transparent resource aid; adjusting a transparency of said transparent resource aid according to user transparency preferences; determining a display position for said transparent resource aid; and adjusting said transparency of said transparent resource aid according to said display position” is disclosed supra for claim 1 and in col. 4, lns. 62-65, col. 9, lns. 32-46 and col. 18, lns. 24-29.

E. Claim 5, “The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of: monitoring performance of a plurality of parts of a computer system; and compiling information for said transparent resource aid from said monitored performance for a selection from among said plurality of parts” is disclosed supra for claim 1 and in col. 3, lns. 11-42. Wherein image of user’s hands and fingers correspond to sensitive areas for interacting with application program within the computer system such as

Art Unit: 2676

grasping or selecting icons or transparent controls and also correspond to monitor performance of a plurality of parts.

F. Claim 6, "The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of: monitoring a plurality of transparency settings for each of a plurality of displayable objects displayed within said user interface; and compiling information for said transparency resource aid from said monitored transparency settings" is disclosed supra for claim 1 and in col. 3, lns. 11-42 and col. 14, lns. 40-45.

G. Claim 7, "The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid to maximize space remaining in said display area" is disclosed supra for claim 1 and in col. 4, lns. 52-52.

H. Claim 8, "The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid, wherein said transparent resource aid comprises at least one from among text, graphics, video, and audio" is disclosed supra for claim 1 and in col. 18, lns. 37-47.

I. Per independent claims 11 and 21, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1.

J. Per dependent claims 12-18, these are directed to a system for performing the method of dependent claims 2-8, respectively, and therefore are rejected to dependent claims 2-8.

K. Per dependent claims 22-25, these are directed to a program for performing the method of dependent claims 4-7, respectively, and therefore are rejected to dependent claims 4-7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLeeuw, (US Patent Number 6,353,450B1), as applied to claims 1, 11 and 21, respectively above, and further in view of Bagnas, (US Patent Number 5,805,163).

A. Claim 10, “The method for displaying resource aids in accordance with claim 1, said method further comprising the step of: placing said transparent resource aid in a background of said display area in association with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object” is disclosed supra for claim 1. However DeLeeuw does not appear to disclose “placing said transparent resource aid in a background of said display area in association with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object”, but Bagnas does in col. 3, lns. 49-62.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply “placing and monitoring transparent user interface elements in a live video stream as a method for user input” in combination with “darkened transparent window overlapping an opaque window” disclosed by Bagnas, and motivated to combine the teachings because it would provide for a need for transparent windows and controls in window environments as revealed by Bagnas in col. 1, lines 55-65.

Art Unit: 2676

B. Per dependent claims 20 and 27, these are directed to a system and program, respectively, for performing the method of dependent claim 10 and therefore are rejected to dependent claim 10.

Allowable Subject Matter

9. Claims 9, 19 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>U. S. Patent No.</u>	<u>Issued</u>	<u>Class</u>	<u>Applicant(s)</u>
US 20020149600 A1	20021017	345/592	Van Splunter, Marinus et al.
US 20020149599 A1	20021017	345/592	Dwyer, David B. et al.
US 20010012022 A1	20010809	345/768	Smith, Kim C.
US 6538660 B1	20030325	345/592	Celi, Jr., Joseph et al.
US 6359631 B2	20020319	345/629	DeLeeuw, William C.
US 6333753 B1	20011225	345/768	Hinckley, Kenneth Paul
US 6151030 A	20001121	345/592	DeLeeuw, William C. et al.

Responses

11. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Art Unit: 2676

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



gfc

September 22, 2003



**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**